

(Rev. 5/05)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

(1) Paul Smith 142003  
 (Name of Plaintiff) (Inmate Number)  
DELAWARE Correctional Center  
1181 Paddock Road  
Smyrna, Delaware 19977  
 (Complete Address with zip code)

(2) \_\_\_\_\_  
 (Name of Plaintiff) (Inmate Number)  
 \_\_\_\_\_  
 (Complete Address with zip code)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

vs.  
 (1) Commissioner Stanley Taylor  
 (2) Warden, Rick Kearney  
 (3) Deputy Warden Mike Deloy  
 (Names of Defendants)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

## I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

CAUSE: 42:1983 Prisoner Civil Rights

DATE Filed 03/10/2005

ASSIGNED to: Honorable Gregory M. Sleet

RELATED CASE: 1:05-cv-00142-GMS

## CIVIL COMPLAINT

CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
FILED  
2006 JUL 13 PM 4:39

• • Jury Trial Requested

## II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? •  Yes •  No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? •  Yes •  No

C. If your answer to "B" is Yes:  
 1. What steps did you take? Tried to talk with Warden Rick Kearney  
Deputy Warden Mike Deloy, & Commissioner Stan Taylor  
 2. What was the result? NONE

D. If your answer to "B" is No, explain why not: They NEVER respond  
BACK

## III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: Rick Kearney  
 Employed as Warden at Sussex Correctional Inst.  
 Mailing address with zip code: P.O. Box 500 Georgetown, Delaware  
19947

(2) Name of second defendant: Mike Deloy  
 Employed as Deputy Warden at Sussex Correctional Inst.  
 Mailing address with zip code: P.O. Box 500 Georgetown, Delaware  
19947

(3) Name of third defendant: Stanley Taylor  
 Employed as Commissioner at Department of Corrections  
 Mailing address with zip code: 245 McKee Road, Dover,  
Delaware 19904

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

## IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. I Paul Smith 143003, Slip And Fall onto wet floor Cell #2 A TIER SCU-MSB SCI Georgetown DE, On 6-25-06, I'm Smith, Awake for Breakfast placed foot into shower shoe and went down hitting the floor, the ceiling was leaking rain water in cell #2, A Code 4 was called for I'm Smith, Slip and Fall staff done a report, Medical done a report also, I'm Smith, was treated and released by Medical for Neck pain, Back pain and some numbness in his leg and foot.
2. Follow up with Doctor on Monday, Warden Rick Kearney, Deputy Mike Deloy, and Commissioner Stanley Taylor knew of the leaking roof in MAX and done very little to improvement leaking roof.
3.

## V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

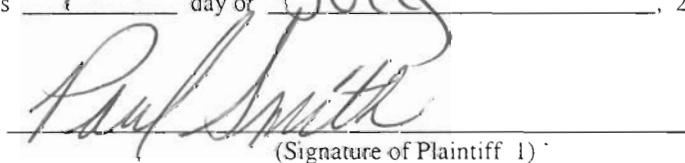
1. DUE TO POOR Housing Conditions of the prison in OLD MAX Building with leaking ceiling in cell #2 I Paul Smith, feels that the DEPARTMENT OF CORRECTIONS is RESPONSIBLE for adding to his injuries HE SEEKING MONEY DAMAGE for his pain and suffering.

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7<sup>th</sup> day of July, 2006

  
(Signature of Plaintiff 1)

\_\_\_\_\_  
(Signature of Plaintiff 2)

\_\_\_\_\_  
(Signature of Plaintiff 3)



*IM Paul Smith*  
SBI# 142003 UNIT 5000-1-1 Building 23  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

*AVAYA-SMS*  
Office of Clerk  
United States District Court  
844 N. King Street, Lock box 18  
Wilmington, Delaware  
19801-3570